IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 2538 of 2005
In
Appeal (Lodging) No. 697 of 2005
In
Arbitration Petition No. 137 of 2004

M/s. Shamlal Bankey Bihari .. Appellants
V/s.
M/s. Kailash & Co. .. Respondents

Ms. Bidhu Ramanathan for the Appellants
Mr. H. Mody for the Respondents

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 30.09.2005.

P.C.:-

1. Heard the learned counsel for the Appellants and the Respondents. By this Notice of Motion, the Appellant is seeking condonation of delay. Perused the affidavit in support of the Notice of Motion as well as the affidavit in reply filed on behalf of the Respondents. Specially for the reasons stated in paragraph 3 of the affidavit in support of the Notice of Motion, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide, hence Notice of Motion is made absolute in terms of prayer clause (a), however, the same is subject to the Appellants paying costs quantified at Rs. 2,000/-. Costs shall be paid within a period of two weeks from today.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)